

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 27, 2007. Claims 63, 64, 66 to 69, 71, 74, 77 and 80 to 91 are in the application, of which claims 63, 66 and 68 are independent. Reconsideration and further examination are respectfully requested.

Turning first to a formal matter, approval is respectfully requested for the formal drawings submitted with the Letter dated October 13, 2005.

Turning to the substance of the Office Action, Claims 63, 64, 66 to 69, 71, 73, 74 and 76 to 79 were rejected under 35 U.S.C. § 102(b) over U.S. Patent 4,811,385 (Watanabe). Claims 72, 75 and 78 were rejected over Watanabe in view of U.S. Patent 6,449,767 (Krapf). In response, the claims have been amended so as to relate specifically to a system comprising a set top box, a cable head end, and an external digital device. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested, as detailed more fully below.

The invention concerns upload of data from a set top box to a cable head end, wherein the set top box communicates with the cable head end over a network. The data originates in an external digital device. Thus, a connection of the external digital device to the set top box is detected, and in response to detection of the connection of the external digital device, a user interface is provided. Data is received from the external digital device, when an upload operation is initiated on the user interface. A determination is made as to whether or not the cable head end is ready to receive data to be uploaded

from the set top box. In case of a determination that the cable head end is ready to receive the data, the data is uploaded to the cable head end over the network, whereas in a case of a determination that the cable head end is not ready to receive the data, the data is stored locally in the set top box.

Watanabe describes a facsimile system in which a facsimile image is scanned and transmitted in real-time if it is possible to establish a telephone connection to a destination station. If it is not possible to establish a telephone connection to the destination station, then the facsimile image is scanned and stored in memory of the local station. At predetermined time intervals, additional attempts are made to establish a telephone connection to the destination station, and the stored facsimile image is transmitted from memory of the local station once a telephone connection is established.

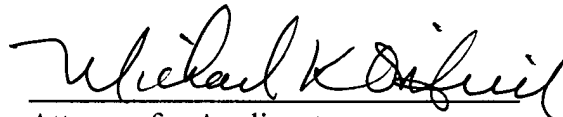
Watanabe thus differs significantly from the invention. For example, Watanabe does not disclose or suggest at least the features of detection of a connection of an external digital device to a set top box, provision of a user interface in response to detection of connection of the external digital device, receipt of data from the external digital device when an upload operation is initiated on the user interface, a determination of whether or not the cable head end is ready to receive data to be uploaded from the set top box, an upload of data to the cable head end over the network in case of a determination that the cable head end is ready to receive the data, and local storage of the data in the set top box in case of a determination that the cable head end is not ready to receive the data.

The patent to Krapf is not believed to disclose or to suggest anything that would provide what is missing from Watanabe as a reference against the claims. Krapf describes a cable television network comprising a set top box 2, a broadcast head end 7, and a cable 11 connecting the set top box and the broadcast head end. However, even if combined with Watanabe, the combination of Krapf and Watanabe would still fail to disclose or to suggest at least the features set forth above.

It is therefore respectfully submitted that the claims herein define subject matter that is neither anticipated nor would have been obvious from Watanabe and Krapf, and allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael K. O'Neill", written over a horizontal line.

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